

**HOMELAND SECURITY AND EMERGENCY  
MANAGEMENT DEPARTMENT[605]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 17A.3 and 29C.8(5), the Homeland Security and Emergency Management Department hereby gives Notice of Intended Action to amend Chapter 11, “Repair, Calibration, and Maintenance of Radiological Monitoring, Detection, and Survey Equipment,” Iowa Administrative Code.

These amendments are intended to implement changes that have been made in Iowa Code chapter 29C that transformed the Homeland Security and Emergency Management Division of the Department of Public Defense to a stand-alone department.

Consideration will be given to all written suggestions or comments on the proposed amendments received on or before November 17, 2015. Such written materials should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324; fax (515)725-3260; or e-mail to [john.benson@iowa.gov](mailto:john.benson@iowa.gov).

Also, there will be a public hearing on November 17, 2015, at 11 a.m. in the Department of Homeland Security and Emergency Management Cyclones Conference Room at 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Homeland Security and Emergency Management Department and advise of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 29C.

The following amendment is proposed.

Amend **605—Chapter 11** as follows:

CHAPTER 11

REPAIR, CALIBRATION, AND MAINTENANCE OF RADIOLOGICAL MONITORING,  
DETECTION, AND SURVEY EQUIPMENT

The homeland security and emergency management ~~division~~ department operates a licensed radiological maintenance facility for the purpose of calibrating, repairing and performing the routine maintenance of radiological detection equipment. Iowa Code sections 23A.2 and 29C.8 provide that the ~~division~~ department may enter into contracts and charge fees for performance of these services.

**605—11.1(29C) Purpose.** The homeland security and emergency management ~~division~~ department shall establish fees to be charged for the performance of the calibration, repair and maintenance of radiological detection equipment.

**605—11.2(29C)** No change.

**605—11.3(29C)** No change.

**605—11.4(29C) Contracts for services.** The division department may enter into contracts with public and private entities for the purposes of providing radiological detection equipment, calibration, repair, and maintenance services. Such contracts will specify, at a minimum:

1. to 5. No change.

**605—11.5(29C) Application of fees.** In instances where the division department has not previously entered into a contract with a public or private entity, the division department will assess a fee for the performance of calibration, repair, and maintenance services it provides for radiological detection equipment and instruments not owned by the division department or owned by the division department but used for other than the division's department's specified purpose.

The division department will not assess a fee for the performance of calibration, repair, and maintenance services for radiological detection equipment and instruments:

1. Used in the administration and operation of the division's department's radiological emergency preparedness program.
2. Used by hazardous materials response teams recognized by the division department.
3. Otherwise owned by the division department and used for its express purposes.

**605—11.6(29C) Fees.** Unless otherwise specified by contract, the division department will charge the following fees for the performance of its services:

Calibration Fees:

One radiation instrument and one radiation detector	\$70
Each additional radiation detector	\$20
Each dosimeter	\$10

Repair Fees:

Hourly rate	\$70
Parts	Cost plus 15 percent

The division department will also assess a fee to recover actual shipping expenses, to include insurance coverage for the equipment being shipped.

Estimates will be given for instruments that are in need of repair. The customer will have the option of having the instrument repaired at the established rates or may have the instrument returned, at which time shipping expenses will be charged.

The division department may offer to replace equipment with like equipment that is fully functional and that has been properly calibrated, in lieu of making calibrations or the necessary repairs. If the customer accepts this offer, the fee charged is the fee that would normally be charged for the calibration or repair of the instrument or dosimeter.

**605—11.7(29C) Returned check and late fees.** Applicable fees are due to the division department within 30 days from the date of invoice. Persons who fail to pay required fees to the division department are subject to the following penalties:

1. Fifteen dollars for each payment received by the division department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the division department.
2. Fifteen dollars for each month for which a payment is overdue, or for each additional month for which insufficient funds are available to fulfill the obligation of such payment to the division department.

**605—11.8(29C) Records and reports.** The ~~division~~ department will maintain records and file reports regarding the calibration, maintenance, and repair of radiological detection equipment, in accordance with the requirements set forth in 641—Chapter 40.

These rules are intended to implement Iowa Code section 23A.2, subsection 10, and Iowa Code section 29C.8.